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10/564,713	07/19/2006	Suhung-Gwon Kim	2443.0030000	9873

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WASHINGTON, DC 20005

EXAMINER

RAJ, RAJIV J

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3686

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09/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,713	Applicant(s) KIM, SUHUNG-GWON	
	Examiner RAJIV J. RAJ	Art Unit 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-29 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 13-29 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 12, 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u> </u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u> </u> . | 6) <input type="checkbox"/> Other: <u> </u> . |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 07 August 2009.
2. Claims 1-12 have been canceled.
3. Claims 13-29 have been added.
4. Claims 13-29 are currently pending and have been examined.

Priority

5. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 13-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr. et al.(US 5823948) (hereinafter Ross) in view of Pories et al. (US 2002/0082868 A1) (hereinafter Pories).

Claim 13

Ross as shown, discloses the following limitations:

- *using an input device to select or check one of the standard patient-language cardinal symptoms to enter the selected patient-language cardinal symptom in the chief complaint field so as to generate a new medical record that identifies the selected patient-language cardinal symptom as a chief complaint; (see at least Ross Column:2 Lines:49-67 Column:3 Lines:1-33 Claim:2)*
- *wherein the standard patient-language cardinals symptoms are accessed from a database; (see at least Ross Claim:2,4,6)*

Ross does not disclose the following limitation, however Pories, as shown does:

- *displaying, using a processing device, standard patient-language cardinal symptoms on an interface of a display device as one of a selection item and a check item of a chief complaint field of a medical record; (see at least Pories Fig:3 Items:40,41 Fig:7 Items:100-190 & related text)*

- *wherein the standard patient-language cardinal symptoms are selected extracted patient-language terms used in existing medical records of patients regarding cardinal symptoms of the patients; (see at least Pories [0074-0078], Fig:13 Items:66b & related text)*
- *stores the standard patient-language cardinal symptoms so as to be free from association with any particular medical record; (see at least Pories Fig:1A Items:10-20 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross. One of ordinary skill in the art would have added these features to Ross with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 14

The combination of Ross/Pories disclose all of the limitations of claim 13. Ross further discloses the following limitations:

- *the database also stores selected terms regarding diagnosis names, operation names, terms used upon writing of the status of patients by nurses, terms used upon writing of the status of the patients by doctors, prescription terms used by doctors, and medicine terms; (see at least Ross Column:2 Lines:49-66 Claim:2 Fig:2 Items:101-111 & related text)*

Claim 15

The combination of Ross/Pories disclose all of the limitations of claim 14. Ross further discloses the following limitations:

- *using the input device to perform a standard statement sentence write function that combines the selected terms used upon writing of the status of patients by nurses into a standard statement sentence used to write a medical record;* (see at least Ross Column:2 Lines:49-66 Column:9 Lines:20-41 Column:13 Lines:48-58 Fig:2 Items:101-111 Fig:3 Items:107-113 & related text)

Claim 16

The combination of Ross/Pories disclose all of the limitations of claim 13. Ross further discloses the following limitations:

- *as selection items applicable to writing of a sentence in the medical record;* (see at least Ross Column:5 Lines:52-56 Column:9 Lines:20-41)

Ross/Pories does not disclose the following limitation, however Pories, as shown does:

- *displaying further comprises displaying the standard patient-language cardinal symptoms;* (see at least Pories Fig:3 Items:40,41 Fig:7 Items:100-190 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately

and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 17

The combination of Ross/Pories disclose all of the limitations of claim 13. Ross further discloses the following limitations:

- *using the input device to modify, delete, or add to the standard patient-language . . . in the database;* (see at least Ross Fig:3 Items:101-113 & related text)

Ross/Pories does not disclose the following limitation, however Pories, as shown does:

- *cardinal symptoms;* (see at least Pories [106])

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 18

The combination of Ross/Pories disclose all of the limitations of claim 13. Pories further discloses the following limitations:

- *communicating over a network with a doctor terminal, a nurse terminal, an examination room staff terminal, and a general medical affairs terminal to perform the displaying;* (see at least Pories Fig:1A-B Items:10-20 Fig:3 Items:40,41 Fig:7 Items:100-190 Fig:9-18 Items:24, 25d, 60a-80 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 19

The combination of Ross/Pories disclose all of the limitations of claim 13. Pories further discloses the following limitations:

- *the selected extracted patient-language terms are from discharge summaries;*

(see at least Pories [0074-0078])

Ross/Pories does not disclose the following limitation, however Pories, as shown does:

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 20

The combination of Ross/Pories disclose all of the limitations of claim 13. Pories further discloses the following limitations:

- *the selected extracted patient-language terms are separated into main concepts, concept qualifiers, and concept modifiers; (see at least Pories Fig:1A-B*

Items:14-25e & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 21

The combination of Ross/Pories disclose all of the limitations of claim 20. Ross further discloses the following limitations:

- *the main concepts are aligned on a spelling and concept basis; (see at least Ross Fig:3 Items:105-114 & related text)*

Claim 22

The combination of Ross/Pories disclose all of the limitations of claim 13. Ross further discloses the following limitations:

- *the standard patient-language . . . are mapped to standard codes; (see at least Ross Column:12 Lines:35-47)*

Ross/Pories does not disclose the following limitation, however Pories, as shown does:

- *cardinal symptoms; (see at least Pories [0106])*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately

and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 23

The combination of Ross/Pories disclose all of the limitations of claim 22. Pories further discloses the following limitations:

- *impacting a concept identifier of a standard code to each of the standard patient-language cardinal symptoms; (see at least Pories [0106] Fig:1A-B Items:14-25e & related text)*
- *classifying each of the mapped patient-language cardinal symptoms according to whether a concept of the patient-language cardinal symptom exactly matches or substantially matches the imparted concept identifier of the standard code; (see at least Pories Fig:1 A-B, 7 Items:14-25e & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 24

Ross as shown, discloses the following limitations:

- *separating the extracted terms into main concepts, concept qualifiers, and concept modifiers, wherein the main concepts are aligned on a spelling and concept basis; (see at least Ross Fig:3 Items:105-114 & related text)*
- *selecting, using the processing device, a plurality of terms as standard terms; (see at least Ross Column:2 Lines:49-66)*
- *mapping the standard terms; (see at least Ross Column:12 Lines:35-47)*

Ross does not disclose the following limitation, however Pories, as shown does:

- *extracting, using a processing device, terms used in existing medical records of patients regarding cardinal symptoms of the patients; (see at least Pories [0074-0078, 0106] Fig:1A Items:10-27 & related text)*
- *from the extracted terms that were separated as being the main concepts; (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *to standard codes, (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *imparting a concept identifier of a standard code to each of the standard terms; (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *classifying each of the mapped standard terms according to whether a concept of the standard term exactly matches or substantially matches the imparted concept identifier of the standard code; (see at least Pories Fig:1A-B Items:14-25e 100-190 & related text)*

- *storing, using the processing device, the standard terms in a database, wherein the standard terms are stored in the database so as to be free from association with a particular medical record; (see at least Pories Fig:1A Items:10-27 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross. One of ordinary skill in the art would have added these features to Ross with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 25

The combination of Ross/Pories disclose all of the limitations of claim 24. Ross further discloses the following limitations:

- *selecting, by the service-providing system, a plurality of second terms regarding diagnosis names, operation names, terms used upon writing of the status of patients by nurses, terms used upon writing of the status of the patients by doctors, prescription terms used by doctors, and medicine terms; (see at least Ross Column:2 Lines:49-66 Column:9 Lines:20-57 Fig:22 Items:101-111 & related text)*

Ross/Pories does not disclose the following limitation, however Pories, as shown does:

- *storing, by the service-providing system, the selected plurality of second terms in a database, wherein the selected plurality of second terms are stored in the*

database so as to be free from association with a particular medical record; (see at least Pories Fig:1A Items:10-27 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 26

The combination of Ross/Pories disclose all of the limitations of claim 24. Ross further discloses the following limitations:

- *modifying the standard terms, deleting the standard terms, or adding to the standard terms, or adding to the standard terms in the database; (see at least Ross Fig:3 Items:101-113 & related text)*

Claim 27

The combination of Ross/Pories disclose all of the limitations of claim 24. Pories further discloses the following limitations:

- *using discharge summaries as the medical records; (see at least Pories [0074-0078])*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross/Pories. One of ordinary skill in the art would have added these features to Ross/Pories with the motivation to provide an improved invention accurately

and effectively extracting storing and utilizing medical data for improved health care.

(see at least Pories [0012-0017])

Claim 28

Ross as shown, discloses the following limitations:

- *selecting or checking one of the standard patient-language cardinal symptoms to enter the selected patient-language cardinal symptom in the chief complaint field so as to generate a new medical record that identifies the selected patient-language cardinal symptom as a chief complaint; (see at least Ross Column:2 Lines:49-67 Column:3 Lines:1-33 Claim:2)*
- *wherein the standard patient-language cardinals symptoms are accessed from a database; (see at least Ross Claim:2,4,6)*

Ross does not disclose the following limitation, however Pories, as shown does:

- *displaying standard patient-language cardinal symptoms on an interface of a display device as one of a selection item and a check item of a chief complaint field of a medical record; (see at least Pories Fig:3 Items:40,41 Fig:7 Items:100-190 & related text)*
- *wherein the standard patient-language cardinal symptoms are selected extracted patient-language terms used in existing medical records of patients regarding cardinal symptoms of the patients; (see at least Pories [0074-0078], Fig:13 Items:66b & related text)*

- *stores the standard patient-language cardinal symptoms so as to be free from association with any particular medical record; (see at least Pories Fig:1A Items:10-20 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross. One of ordinary skill in the art would have added these features to Ross with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Claim 29

Ross as shown, discloses the following limitations:

- *separating the extracted terms into main concepts, concept qualifiers, and concept modifiers, wherein the main concepts are aligned on a spelling and concept basis; (see at least Ross Fig:3 Items:105-114 & related text)*
- *selecting a plurality of terms as standard terms; (see at least Ross Column:2 Lines:49-66)*
- *mapping the standard terms; (see at least Ross Column:12 Lines:35-47)*

Ross does not disclose the following limitation, however Pories, as shown does:

- *extracting terms used in existing medical records of patients regarding cardinal symptoms of the patients; (see at least Pories [0074-0078, 0106] Fig:1A Items:10-27 & related text)*

- *from the extracted terms that were separated as being the main concepts; (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *to standard codes, (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *imparting a concept identifier of a standard code to each of the standard terms; (see at least Pories Fig:1A-B Items:14-25e & related text)*
- *classifying each of the mapped standard terms according to whether a concept of the standard term exactly matches or substantially matches the imparted concept identifier of the standard code; (see at least Pories Fig:1A-B Items:14-25e 100-190 & related text)*
- *storing the standard terms in a database, wherein the standard terms are stored in the database so as to be free from association with a particular medical record; (see at least Pories Fig:1A Items:10-27 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Pories into Ross. One of ordinary skill in the art would have added these features to Ross with the motivation to provide an improved invention accurately and effectively extracting storing and utilizing medical data for improved health care. (see at least Pories [0012-0017])

Response to Arguments

9. Applicant's arguments received on 07 August 2009 have been fully considered but they are not persuasive. Applicants' arguments will be addressed herein below in the order in which they appear in the response filed 07 August 2009.
10. In response to applicant's argument that the cited prior art is nonanalogous art (Ross & Pories) it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).
11. In response to applicant's argument that there claim language "tentatively agreed to during the above-mentioned Interview" (Applicant's Remarks 07 August 2009), Examiner finds this statement to be made in err and not supported by the application's prosecution history. (see at least "Interview Summary 2(g)" 29 July 2009)
12. In response to applicant's argument supporting claims 13 & 28, Applicant discusses claim language discussed in the "above mentioned Interview", as a basis for the allowability of claims 13 & 28. Examiner has fully considered applicant's arguments and finds them unpersuasive. It is the Examiner's understanding that the cited claim language ("*patient-language cardinal symptoms . . . as one of a selection item and a check item*") when given the broadest reasonable interpretation are indeed disclosed by the cited prior art, and as discussed in the "above mentioned Interview".

13. In response to applicant's argument that Ross does not disclose "*chief complaints*", Examiner points out that this claim language is cited by prior art source Pories. (Fig:3 Items:40,41 & related text)
14. In response to applicant's argument that Ross does not disclose "*selecting or checking patient-language terms*", Examiner respectfully disagrees (see at least Ross Claim:2) where in the "*generating text sentences in medical English text from patient data*," naturally includes the selecting of patient-language.
15. In response to applicant's argument that Ross does not disclose "*cardinal symptoms*", Examiner points out that this claim language is cited by prior art source Pories.
16. In response to applicant's argument that "present illness", as disclosed in Pories, is patently distinct from applicant's "*chief complaints*", Examiner has fully considered applicant's arguments and finds them unpersuasive. Instead Applicant's claims language, clearly includes "present illness", and Applicant's other arguments are based on the "intended use" of the invention.
17. In response to applicant's argument that Examiner's rejection is in conflict with applicant's cited case law, Examiner finds this assertion completely unpersuasive, and unsupported except for the opinion of applicant.
18. Applicant's arguments for the allowability of claims 14-23 is based on their dependency on claims 13 & 28, these claims are rejected on the same grounds as addressed in Claims 13 & 28.

19. In response to applicant's argument that Ross does not disclose "*extracting terms used in existing medical records of patients regarding cardinal symptoms of the patients*", Examiner points out that this claim language is cited by prior art source Pories.
20. In response to applicant's argument that Ross does not disclose "*main concepts, concept qualifiers, and concept modifiers*", Examiner has fully considered applicant's arguments and respectfully disagrees. (see at least Ross Fig:3 Items:105-114 & related text)
21. In response to applicant's argument that Ross does not disclose "*mapping the terms to standard codes, in which the concept identifier of a standard code is associated with each of the if the standard terms*", Examiner has fully considered applicant's arguments and respectfully disagrees. (see at least Ross Fig:7 Items:139 & related text)
22. In response to applicant's argument that Pories does not disclose "*mapping the terms to standard code*", Examiner points out that this claim language is cited by prior art source Ross.
23. Applicant's arguments for the allowability of claims 25-27 is based on their dependency on claim 24, these claims are rejected on the same grounds as addressed in Claim 24.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJIV J. RAJ whose telephone number is (571) 270-3930. The examiner can normally be reached on Monday thru Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

Date: 09/28/09

/RJR/ Patent Examiner Art Unit 3686

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686